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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,996	06/15/1999	HIROSHI UENO	Q054651	3606

7590

01/07/2004

SUGHRUE MION ZINN MACPEAK & SEAS  
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WASHINGTON, DC 200373202

EXAMINER
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GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/332,996

Applicant(s)

UENO, HIROSHI

Examiner

Keith M. George

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

1. This application has been reassigned to Examiner Keith M. George, AU 2663.
2. Applicant's arguments to the Final Office action mailed 9 September 2003 are persuasive, however, upon further review, new prior art has been found and applied to the claims. Therefore, the finality of the previous office action has been removed. The Examiner apologizes for the additional delay this will add to the prosecution of this application.

#### *Claim Rejections - 35 USC § 102*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Watanabe, U.S. Patent 6,331,982, hereinafter Watanabe.
5. Referring to claims 1 and 6, Watanabe teaches in figure 3 line response units (203) at the source side (exchange) and the destination side (concentrator). The source side contains a control cell adding unit that generates a connection control cell including connection information (cell generator configured to integrate into cell data setting information). The source transmits the control cell to the route from the line at the source side to the ATM switch, toward the line response unit at the destination side (send the cell data to the concentrator). A control cell extracting unit in the line response unit at the destination side extracts only the connection control cell and transfers the connection information included in the extracted connection control cell to the microprocessor in the line response unit at the destination side (a control cell

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terminator configured to extract the setting information) (column 9, lines 20-42). Watanabe also teaches that the microprocessor in the line response unit at the source side transfers the connection information, which must be stored in the line response unit at the destination side (rewriting setting information in the concentrator) (column 11, lines 6-9).

6. Referring to claims 2 and 7, Watanabe teaches the network described in reference to claims 1 and 6 above and it is clearly shown in figure 3 that the source and destination are connected via an ATM switch (202).

7. Referring to claims 3 and 8, Watanabe teaches the network described in reference to claims 1 and 6 above and has also clearly taught that the microprocessor in the line response unit at the source side transfers the connection information, which must be stored in the line response unit at the destination side and that the connection information includes at least an input VPI, input VCI, output VPI and output VCI (column 11, lines 6-10). The microprocessor uses this information to filter the traffic and output the data to the appropriate subscriber responding to a VPI. Watanabe goes on to teach that the control data is passed to a VCC table (a cell filter table for to store the setting information) (column 11, lines 16-17).

8. Referring to claims 4 and 9, Watanabe teaches the network described in reference to claims 1 and 6 above and also teaches that the microprocessor which receives the connection information and the instruction for establishing a connection instructs the accounting units 206 and 207 (cell monitor) to start an accounting process, if the accounting instruction existence/nonexistence identification information indicates an accounting start (monitoring parameter table configured for storing information extracted from the cell data) (column 10, lines 45-52).

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9. Referring to claims 5 and 10, Watanabe teaches the network described in reference to claims 4 and 9 above where it would be inherent to the cell generating unit in the source and destination shown in figure 3 to include the setting information for the tables described in reference to claims 3, 4, 8 and 9 above. If the information were not included, it would not be possible to extract the data as was clearly taught by Watanabe.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-3 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Keith M. George  
31 December 2003



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600